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# ~~Public Notice~~

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**Applicant:** North Coast Regional Council of Park Districts  
**Date:** Published: May 9, 2002  
**Expires:** May 29, 2002

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**U.S. Army Corps  
of Engineers**

**In Reply Refer To:**

**Buffalo District CELRB-CO-R RE: 98-502-0030(2) Section: OH 404**

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**Application for Permit under Authority of  
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

The applicant, the North Coast Regional Council of Park Districts (NCRCPD), 12882 Diagonal Road, Lagrange, Lorain County, Ohio, proposes to add a new site to the previously established North Coast Regional Council of Park Districts Regional Mitigation Bank.

The mitigation bank was established in order to provide compensatory wetland mitigation within areas of northeastern and north central Ohio. The mitigation bank contains several sites located within Erie, Lorain, Medina and Sandusky Counties and was described in a public notice dated May 26, 2000. Following several modifications in response to both public and agency concerns, the bank was authorized and established on December 27, 2001.

Under Section 404 of the Clean Water Act (CWA), applicants for Department of the Army permits to discharge dredged or fill material into waters of the United States, including wetlands, are often required to mitigate for permitted wetland losses by creating, restoring, enhancing, or in exceptional circumstances, preserving wetlands or streams. The authorized mitigation banks will provide the Corps and the regulated public with additional options for compensatory mitigation of aquatic resource losses.

The establishment and use of this mitigation bank is in accordance with the mitigation banking instrument signed by the mitigation bank review team (MBRT). The MBRT is comprised of the U.S. Army Corps of Engineers (Buffalo and Huntington Districts), the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the Natural Resources Conservation Service, the Ohio Department of Natural Resources and the Ohio Environmental Protection Agency (Ohio EPA).

The signed mitigation banking instrument for this bank established procedures to include additional sites in the bank. The applicant, in accordance with these procedures, currently proposes to add an approximately 87 acre parcel located at Hale Road within the Lorain County Metropark Carlisle Reservation to the mitigation bank. The site consists primarily of former agricultural land (row crops) with a small woodlot and several historical hedgerows. A wetland delineation performed in October, 2000, revealed the presence of a total of approximately 8.2 acres of mixed palustrine forest and

herbaceous wetlands on the site.

The proposed wetland restoration will include the construction of several low level berms, destruction of existing drain tiles and blocking ditches in order to restore soil saturation/seasonal inundation on the site. The proposed work is anticipated to result in the restoration of approximately 32 acres of forested wetlands and approximately 45 acres of emergent herbaceous wetlands. Due to the flat topography of the site, the applicant anticipates that the wetland types will be evenly distributed throughout the site. These totals do not include the existing 8.2 acres of wetlands on the site. The existing wetlands will not be adversely impacted by the proposed work. No enhancement credit is proposed for the existing wetlands. The proposed construction at the project site may be authorized under Nationwide Permit No. 27.

In accordance with the procedures established for the mitigation bank, the applicant proposes to sell up to 30% (23.1 credits) of the anticipated credits upon approval of the site by the MBRT.

Consistent with the signed mitigation banking instrument, the applicant proposes that the service area for the Hale Road site will include USGS Hydrologic Units 04100012 (Huron and Vermilion River Watersheds), 04110001 (Black River Watershed) and 04110002 (Rocky and Cuyahoga River Watersheds) for impacts to Category 2 and Category 3 wetlands (as determined by the Ohio EPA Rapid Assessment Method). For Category 1 wetlands, the applicant proposes that the service area include the entire Buffalo District within the State of Ohio.

Applicants proposing to discharge dredged or fill material into wetlands, and to compensate for those wetland losses at the mitigation bank, will be subject to the same level of review as other applicants, and will be required to avoid or minimize impacts to aquatic resources to the maximum extent practicable, in accordance with the U.S. Environmental Protection Agency Guidelines for Specification of Disposal Sites for Dredged or Fill Material (40 CFR Part 230). Use of the mitigation bank will be permitted if the Corps determines that it is environmentally preferable to on-site mitigation. Use of the bank may also be authorized to complement proposed on-site mitigation. In instances where the permittee is required to obtain an individual water quality certification under Section 401 of the CWA, use of the bank will also be subject to approval of the Ohio EPA.

Applicants who are permitted to use the bank to compensate for wetland losses will be required to purchase credits from NCRCPD. The number or ratio of credits required to offset permitted wetland losses will be determined by the Corps (and Ohio EPA, if required) on a case-by-case basis. The Corps (or Ohio EPA, if applicable), may also reject any proposal to use the bank and require an alternate mitigation plan.

Monitoring of the success of the proposed new mitigation site will occur for five years following construction. Thereafter, the site will be managed as a naturally functioning wetland system by the Lorain County Metropark District. Use of each mitigation site to compensate for wetland losses will cease when all available credits

at the site have been sold.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Steven V. Metivier, who can be contacted by calling (716) 879-4314, or by e-mail at: [steven.v.metivier@usace.army.mil](mailto:steven.v.metivier@usace.army.mil)

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Steven V. Metivier, or by e-mail at: [steven.v.metivier@usace.army.mil](mailto:steven.v.metivier@usace.army.mil). A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

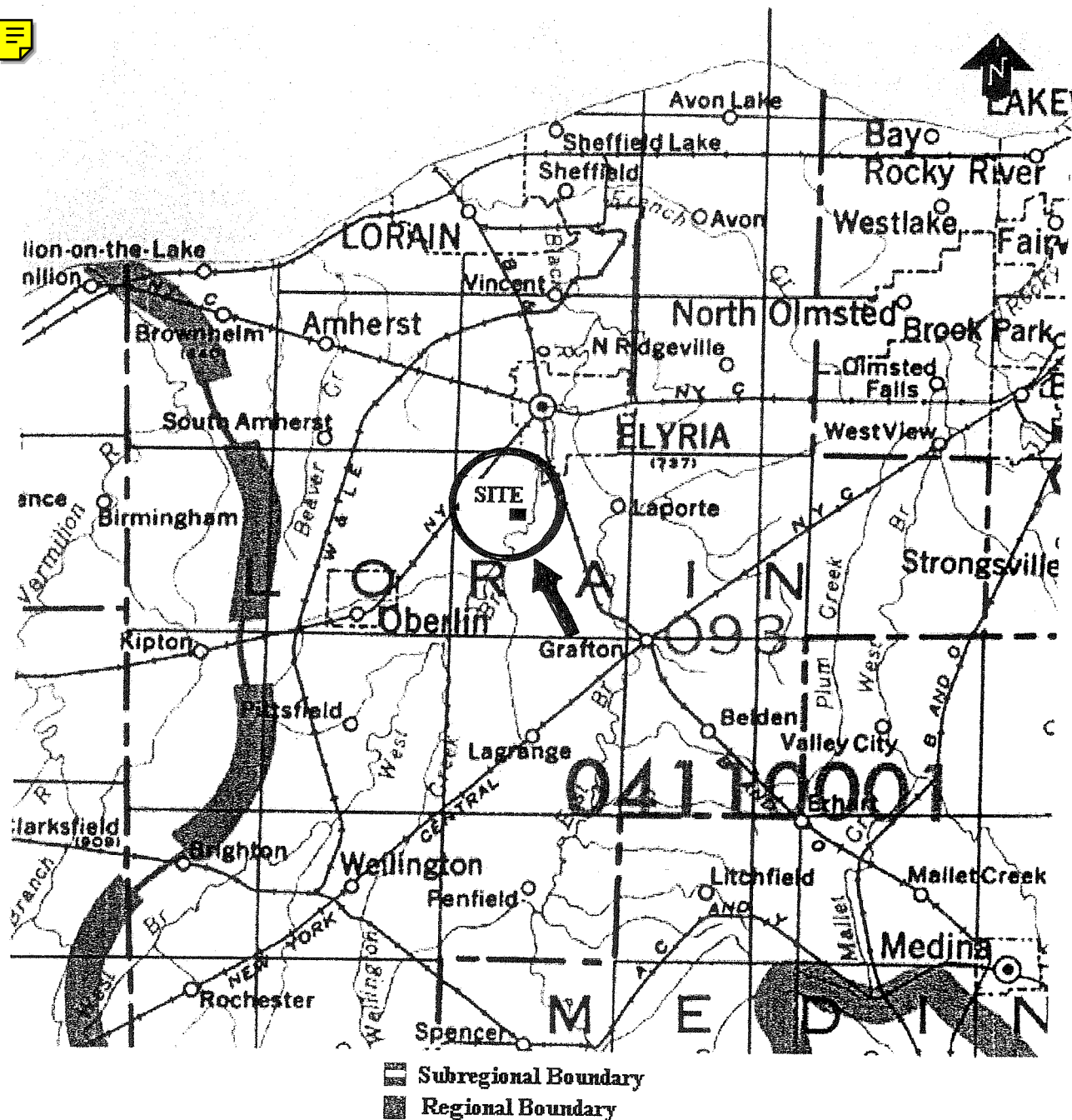
Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner  
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 21 days from the date of issuance.



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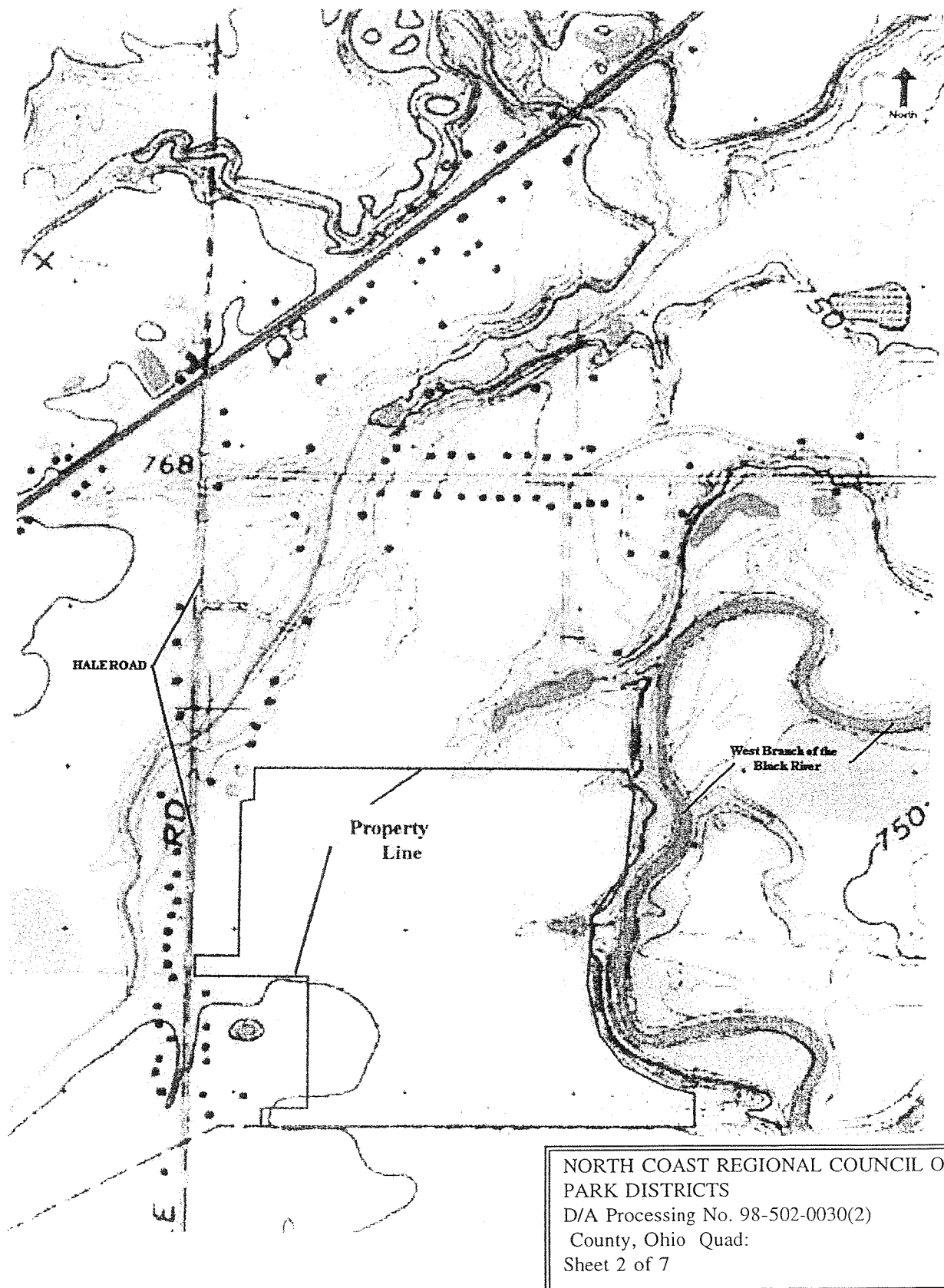
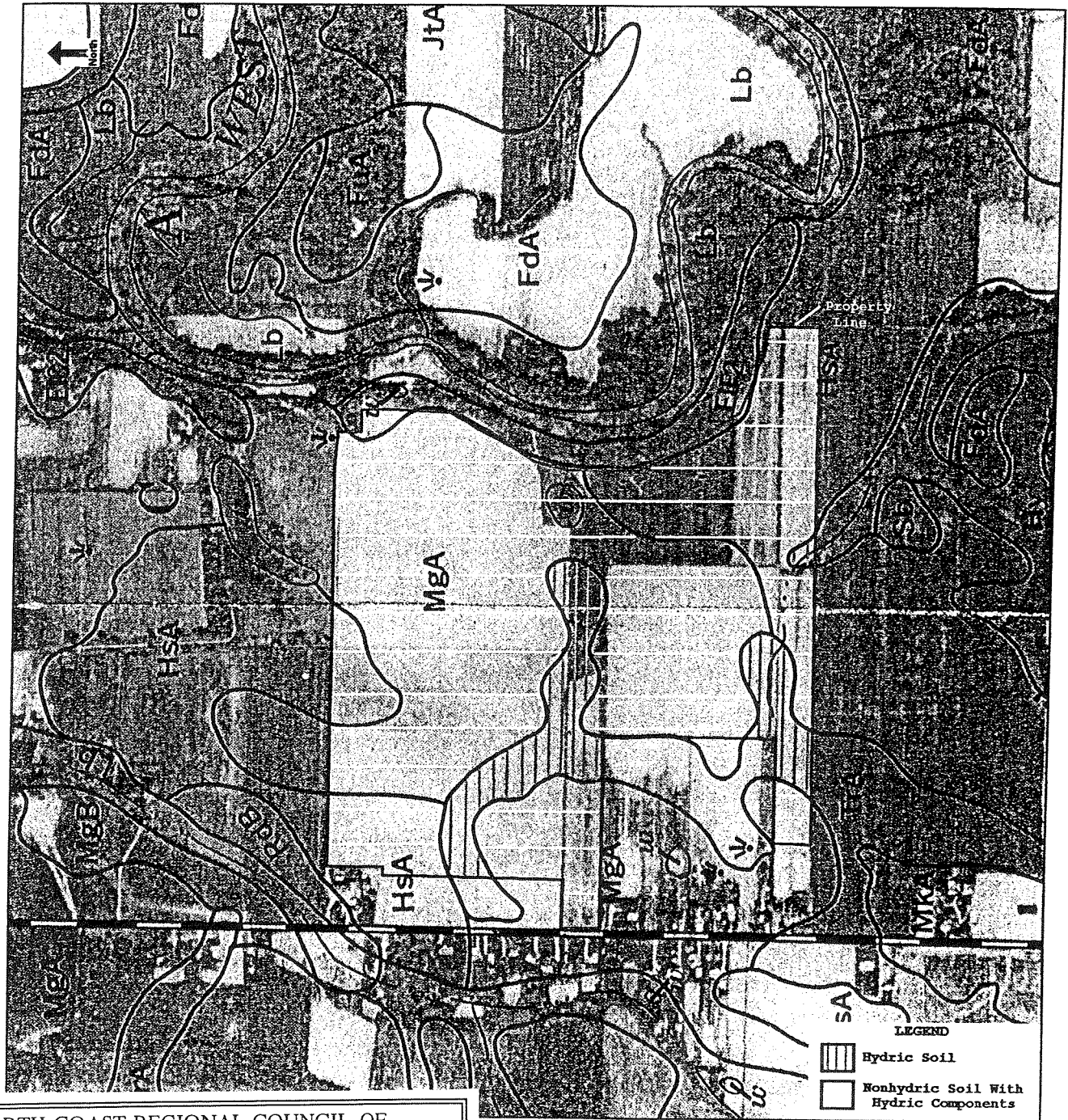


Figure 2: USGS Topographic Map



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Figure 3: USDA-SCS Soil Survey Map

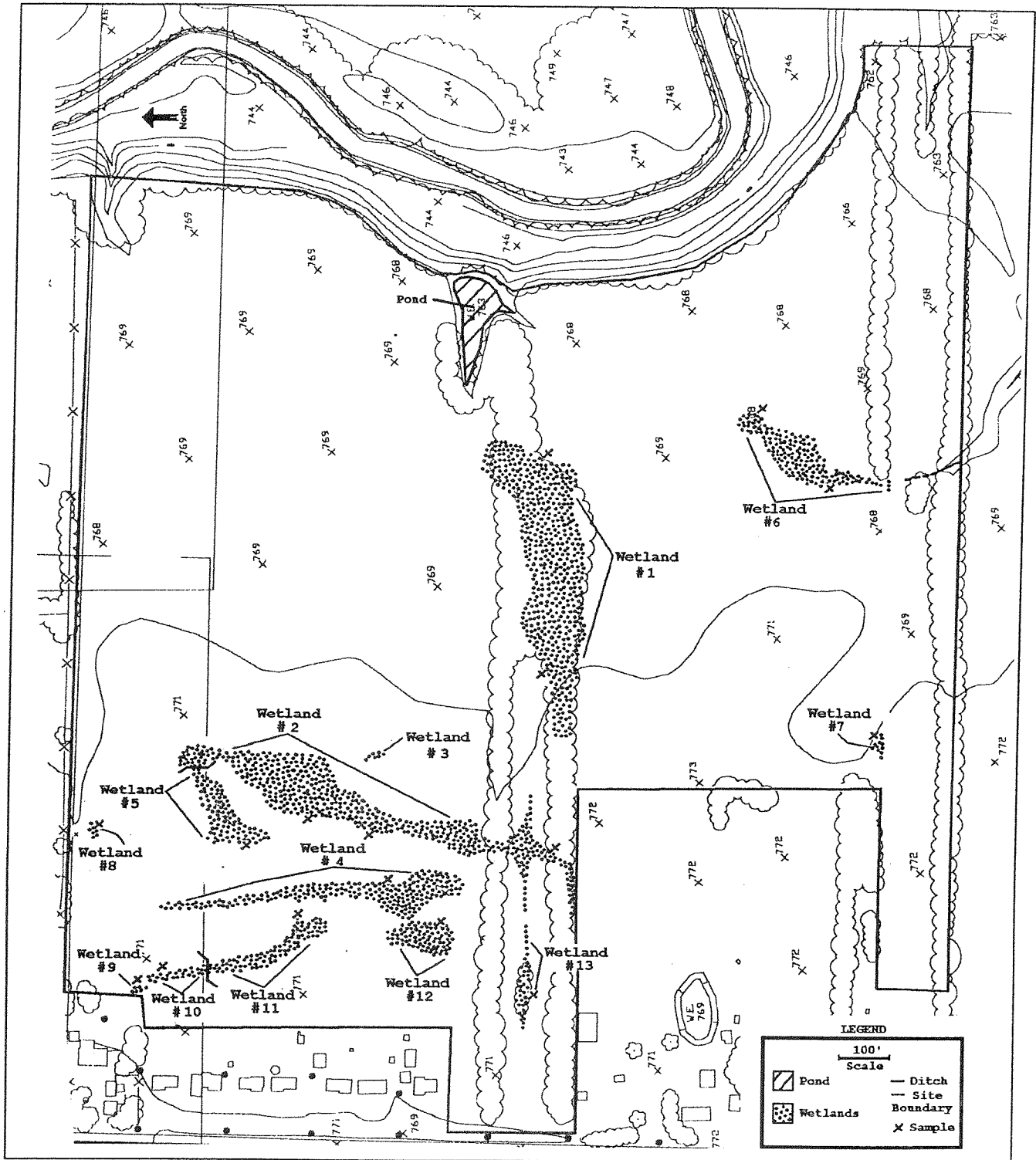


Figure 4: Wetland Delineation Map



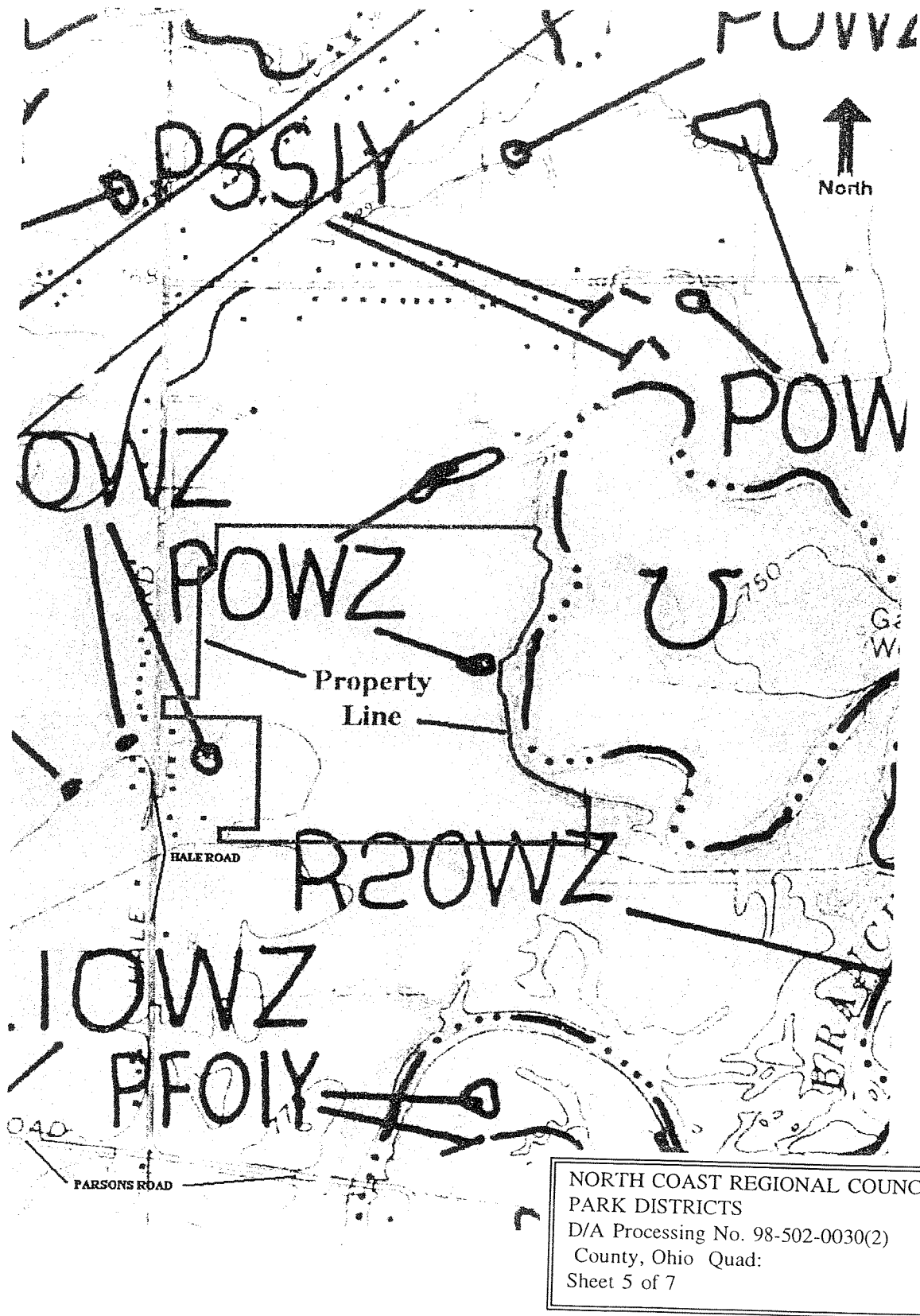


Figure 5: USFWS National Wetland Inventory Map

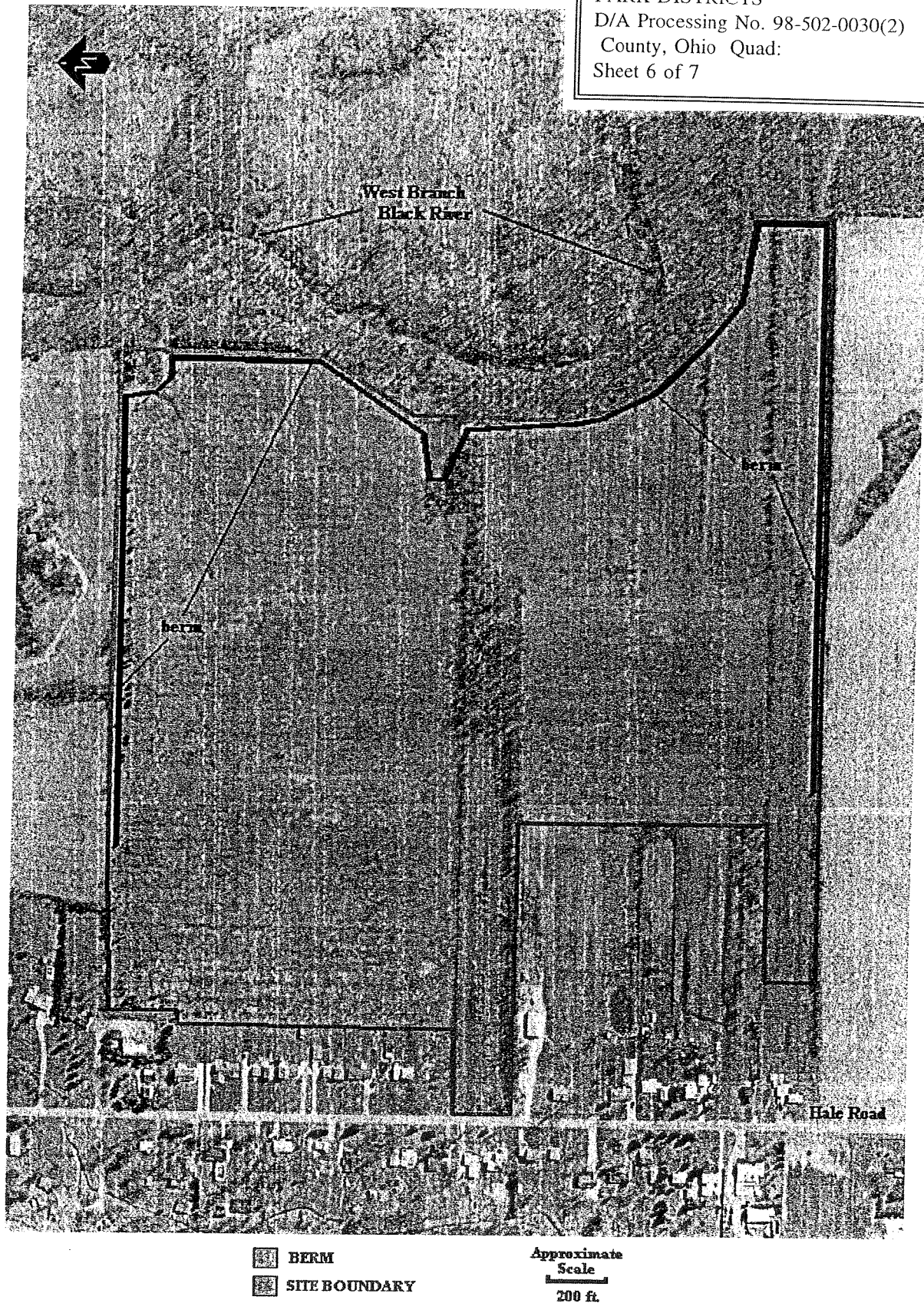
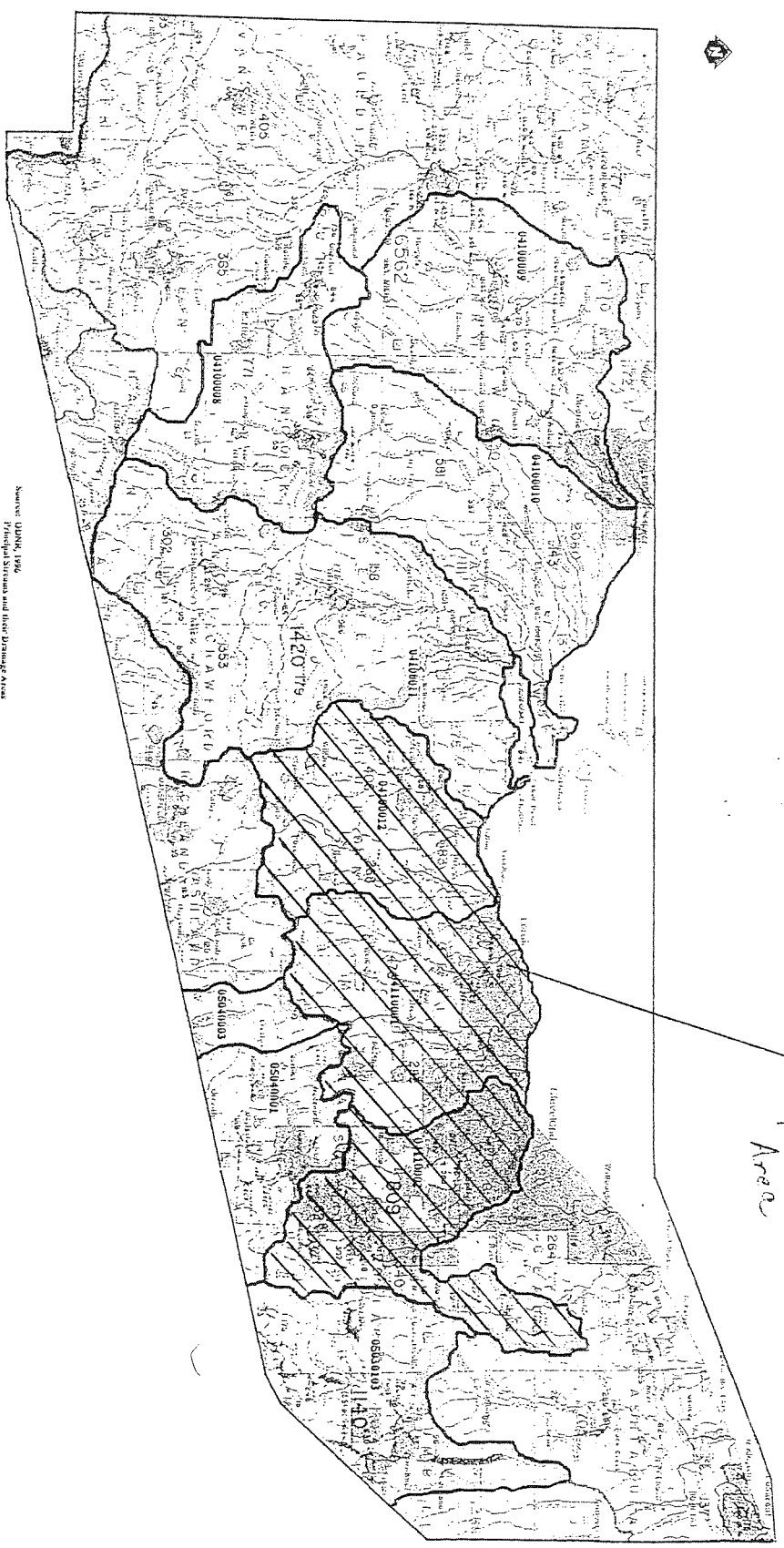


Figure 6: Wetland Restoration Design



Source: USGS, 1986  
Principal Streams and their Drainage Areas

Watershed Service Area

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Watershed Service Areas to Benefit from the North Coast Mitigation Bank

